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ZNY CCCCC ZZH
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FM AMEMBASSY BANGKOK
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3468
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS
RUEHBJ/AMEMBASSY BEIJING 3374
RUEHBY/AMEMBASSY CANBERRA 6442
RUEHUL/AMEMBASSY SEOUL 2480
RHEHNSC/NSC WASHDC
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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 007447

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E.O. 12958: DECL: 12/11/2016
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SUBJECT: DAS JOHN MEETING WITH HUMAN RIGHTS WATCH

Classified By: Political Counselor Susan M. Sutton reason 1.4 (b) and (d).

11. (C) Summary: Human Rights Watch activist Sunai Phasuk criticized the post-coup government during a meeting on December 8 with EAP DAS Eric John. He raised familiar concerns about the lack of progress in explaining the transgressions of former PM Thaksin to the people, and about the coup council's role in the drafting of the new constitution. Investigations in Thaksin's corruption were going slowing, and it might be easier to prove his complicity in the extra-judicial killings of the 2003 drug war. Sunai warned that the MFA would be unhelpful on Burma issues. He expects the new constitution to ensure the viability of the institution of the monarchy. This is particularly important since, "no one has faith in the heir." End summary.

12. (C) DAS Eric John met with Sunai Phasuk of Human Rights Watch on December 8. Sunai is one of the many activists who had reluctantly accepted the September 19 coup as the "only remaining option," but who is now frustrated with the interim government's performance. Sunai told DAS John that government and Council on National Security (CNS) efforts were still inadequate in explaining just what former Prime Minister Thaksin had done that justified their coup. The investigations into corruption were proving to be "too hard." HRW had encouraged the government to turn to the extra-judicial killings, primarily from the drug war of 2003, to find prosecutable offenses by the former government. When DAS John asked whether the government was on the way to having a good constitution in place followed by good elections, Sunai expressed skepticism. He was particularly critical of the CNS and its role in selecting the constitution drafters (which will give it too much control over the drafting process.)

13. (C) Sunai also criticized the government's approach to the party dissolution cases now pending before the Constitutional Tribunal. (Note: Both Thai Rak Thai (TRT) and the Democrat Party face possible dissolution for activities during the April election campaign. It is generally believed that the case against TRT made by the Democrat Party is reasonably strong; TRT brought a countersuit against the Democrats, which is generally believed to be much less persuasive. End note.) He believed that the case against the Democrat Party

should have been dropped. Now, it would keep the Democrat Party tied up defending itself for several months, and make it more difficult for them to play a constructive role in the constitutional debate and other important issues.

14. (C) Sunai said that the country's leadership should be more concerned about Thailand's international status. The coup and the government's policies on issues like martial law were souring relations with the EU and the US. He worried that the government/CNS did not care care about this as much as it should because "they have China." Sunai warned particularly about the view of the MFA on the Burma issue. Foreign Minister Nitya Phibulsonggram was arguing against supporting the UNSC Burma resolution. He had also told foreign diplomats recently that Thai would try to revive the "Bangkok process" (ref A). Asked why FonMin Nitya was so eager to maintain a soft approach on Burma, Sunai claimed that it stemmed, in part, from his close association with the King's principle private secretary, Asa Sarasin, who has significant investments in Burma.

15. (C) Sunai also complained that the government was still enforcing the immigration black lists left over from the Thaksin government. The RTG had agreed, for example, to requests from "Hun Sen or Soeharto" to black list opponents of those governments so they could not enter Thailand. Sunai pointed out that an American journalist who had been expelled from Thailand for criticizing Thaksin was also probably still barred from returning. The government should lift all these restrictions.

16. (C) DAS John asked to what extent the government/CNS had mechanisms in place to consult with civil society groups. Sunai said that there were informal means of contact, but no

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formal consultations. One of the ministers in the PM's office was very highly regarded and served as a liaison between the government and NGOs. John asked whether part of the purpose of redrafting the constitution was to provide for a transition "from one monarch to the next." Sunai agreed, remarking that the new constitution would try to ensure the viability of the institution. There was a problem looming, because "no one has faith in the heir."

17. (C) Sunai briefly discussed the results of his recent travel in southern Thailand. He was concerned by the deterioration of the situation there, particularly in Yala province. Some of the insurgents there had declared that they were fighting a "religious war" and adopted more extreme religious rhetoric. (Note: Yala province, Sunai claims, has tended historically to be more radical: some 50 years ago, a number of Buddhist families were resettled there, displacing Malay-Muslim families, with the resulting grievances still having an effect today. End note.)

18. DAS John had the opportunity to clear this cable.
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